

Amendment No. 1 to SB1101

Johnson  
Signature of Sponsor

**AMEND Senate Bill No. 1101**

**House Bill No. 838\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-104-105(a), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2)

(A) Notwithstanding subdivision (a)(1), any request for the issuance of a retailer's or seasonal retailer's fireworks permit for a new location in a municipality with a population of not less than six thousand eight hundred sixty (6,860) nor more than six thousand nine hundred (6,900), according to the 2010 federal census or any subsequent federal census must be accompanied by a statement that the sale of fireworks in the municipality is permissible. Within ten (10) business days of submission by an applicant under this subdivision (a)(2), the chief executive officer of the municipality in which fireworks are to be sold, or a person appointed or designated by the chief executive officer of the municipal government having responsibility for compliance with this section within the municipality, must:

(i) Sign the statement; or

(ii) Provide to the applicant written explanation as to why the statement will not be signed.

(B) If the chief executive officer of the municipality in which fireworks are to be sold, or the officer's appointee or designee, fails to comply with the ten-day period described in subdivision (a)(2)(A) or refuses to sign the statement

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pursuant to subdivision (a)(2)(A)(ii), then the applicant for a retailer's or seasonal retailer's fireworks permit for a new location under this subdivision (a)(2) may petition the state fire marshal. The state fire marshal may issue a permit pursuant to this subdivision (a)(2) without the signature of the chief executive officer of the municipality in which fireworks are to be sold, or the officer's appointee or designee, if the sale of fireworks in the municipality is permissible.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.